



Agenda Date: 10/12/01
Agenda Item: 3A

STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
CABLEVISION OF OAKLAND, INC. FOR)
RENEWAL OF A CERTIFICATE OF)
APPROVAL TO CONTINUE TO OPERATE AND)
MAINTAIN A CABLE TELEVISION SYSTEM)
IN THE BOROUGH OF BUTLER, COUNTY OF)
MORRIS, STATE OF NEW JERSEY)

RENEWAL CERTIFICATE OF APPROVAL

DOCKET NO. CE01050323

Schenck, Price, Smith & King, Morristown, New Jersey, by James Eric Andrews, Esq., for the Petitioner.

Borough Clerk, Borough of Butler, New Jersey, by Carol M. Ashley, for the Borough.

BY THE BOARD¹:

On May 12, 1981, the Board granted Micro-Cable Communications Corp. d/b/a UA-Columbia Cablevision of New Jersey ("UA-Columbia") a Certificate of Approval, in Docket No. 801C-6626, for the construction, operation and maintenance of a cable television system for the Borough of Butler ("Borough"). Subsequently, UA-Columbia underwent internal restructuring and was doing business as United Artists Cable of New Jersey ("United Artists"). On July 19, 1991, the Board granted United Artists a Renewal Certificate of Approval for the Borough in Docket No. CE91010124. In Docket No. CO92080822, United Artists informed the Board that it would do business as TCI of Northern New Jersey ("TCINNJ"). On November 16, 1992, the Board approved the petition and recognized the name change. TCINNJ underwent further restructuring and informed the Board that it would no longer use the name Micro-Cable Communications Corp. and would now use the corporate name of TCI of Northern New Jersey, Inc. ("TCINN, Inc."). On December 17, 1997, the Board approved the transfer of the Certificate of Approval for the Borough from TCINN, Inc. to Cablevision of Oakland, Inc. ("Petitioner"), in Docket No. CF97090674. Although the Petitioner's Certificate expired on May 12, 2001, the Petitioner is authorized to continue to provide cable service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on August 11, 2000, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted a municipal ordinance granting renewal consent on January 23, 2001. On February 5, 2001, the Petitioner formally accepted the terms and conditions of the ordinance in accordance with N.J.S.A. 48:5A-24.

On May 18, 2001, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal

¹ Commissioner Carol J. Murphy did not participate in the deliberations on this matter.

of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years from the date of issuance of the Renewal Certificate of Approval. The Office of Cable Television finds this period to be of reasonable duration.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
6. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
7. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The current local office is located at 40 Potash Road in the Borough of Oakland.
8. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
9. The Petitioner shall install cable in all residences in the Borough at tariffed rates for standard and non-standard installation. Commercial establishments shall be constructed in accordance with the Petitioner's commercial line extension policy attached to this Certificate as Appendix "I".
10. According to the ordinance, the Petitioner was required to rebuild and/or upgrade the cable plant serving the Borough so that it will be capable of providing at least 80 channels of programming by September 1, 2000. However, the Borough confirmed, by letter dated February 26, 2001, that this was a typographical error

and that the completion date should have been September 1, 2001. The Petitioner has confirmed that the rebuild/upgrade was completed by May 2001.

11. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall provide two channels that are shared by the Borough with neighboring municipalities.
12. The Petitioner shall supply the Borough with the following equipment: a) one Olson modulator; b) one SVHS camcorder; c) one Titlemaker character generator; and d) one 20" color TV monitor. Upon notification from the Borough, the Petitioner shall install the modulator and a forward and reverse return at the Municipal Building to permit the Borough to access the public access channel directly.
13. The Petitioner shall maintain access studios for use by any resident, individual or group residing in the community for production of non-commercial PEG access programming. The Petitioner shall provide free training courses for personnel who shall assist in productions originated by the PEG designees. The Petitioner also shall maintain some portable production equipment available on a first-come, first-served basis for production of non-commercial PEG access programming.
14. The Petitioner shall provide the standard installation and monthly basic service to one outlet, free of charge, at all state and locally accredited schools, all public libraries and all municipal buildings, including but not limited to, the following: a) Butler High School; b) Aaron Decker School; c) Richard Butler School; d) Butler Public Library; e) Butler Police Department; f) Butler Volunteer Fire Department; and g) Butler Volunteer Ambulance Corp.

Based upon these findings, the Board HEREBY CONCLUDES, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire ten years from the date of this Order.

DATED: October 15, 2001

BOARD OF PUBLIC UTILITIES
BY:

(signed)

CONNIE O. HUGHES
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH
BOARD SECRETARY